

REMARKS

Reconsideration of this application as amended is respectfully requested.

Claims 1-12 are pending. Claims 1-12 are rejected. In this Amendment, claim 1 has been amended. No new matter has been added.

Claims 1-3 and 6-12 are rejected under 35 U.S.C. § 103(a) as being unpatentable over UK Patent Application Publication No. GB 2 262 190 A (hereinafter "GB '190") in view US Patent Publication No. 2003/0011988 A1 of Irmer (hereinafter "Irmer").

Claim 1, as amended, reads as follows.

An air circulation and ventilation unit comprising:

a housing configured to fit at least partially over the ceiling of an equipment cabinet including fitting over at least two vents in the ceiling of the cabinet, so that at least a majority of the interior of the housing is in permanent communication with the interior of the cabinet so that air can always flow between the interior of the housing and the interior of the cabinet through the vents in the ceiling of the cabinet;

the housing having a housing vent comprising a closure moveable between an open position and a closed position, wherein in the closed position the closure closes the housing vent so that little or no air is permitted to flow through the housing vent between the inside of the housing and the outside of the housing, and which enables air recirculation in which air is permitted to recirculate between the interior of the housing and the interior of the cabinet by flowing from the interior of the cabinet into the interior of the housing through one of the vents in the ceiling of the cabinet, then through the other of the vents in the ceiling of the cabinet from the interior of the housing into the interior of the cabinet, and wherein in the open position air is permitted to flow through the housing vent between the inside of the housing and the outside of the housing and in which said recirculation is substantially prevented the housing vent and housing vent closure being positioned so that in both positions of the housing vent closure air is able to flow between the interior of the housing and the interior of the cabinet; and

a controller to control the position of the housing vent closure.

Amended claim 1 is directed to an air circulation and ventilation unit with two configurations. One effectively acts as a recirculating configuration. In this

configuration, the housing vent closure is in a closed position so that air can recirculate between the interior of the housing and the interior of the cabinet.

The other configuration effectively acts as a non-circulating configuration. The vent closure is open and air circulates from the bottom of the cabinet and out through the top of the cabinet and through the roof.

GB '190 discloses an electrical apparatus enclosure. The enclosure (2) has an outer casing (4) and an inner casing (6) for housing electrical equipment. Air can always recirculate from the interior of the inner casing (6), through openings (20), through a gap between the inner casing and the outer casing (4) down the side of the casing, and back into the interior of the inner casing (6) through inlet openings if air can also always exit through the openings (20), into the interior (12) of the roof, and out through the exits (32).

In contrast to amended claim 1, GB '190 fails to disclose a housing vent closure that is moveable between an open position and a closed position and in the closed position the closure closes the housing vent so that little or no air is permitted to flow through the housing vent between the inside of the housing and the outside of the housing, and which enables air recirculation in which air is permitted to recirculate between the interior of the housing and the interior of the cabinet because GB '190 merely discloses an opening 24 in a roof with air flowing from inside of a casing to the roof. GB '190 fails to disclose the limitations "the housing having a housing vent comprising a closure moveable between an open position and a closed position, wherein in the closed position the closure closes the housing vent so that little or no air is permitted to flow through the housing vent between the inside of the housing and the outside of

the housing, and which enables air recirculation in which air is permitted to recirculate between the interior of the housing and the interior of the cabinet by flowing from the interior of the cabinet into the interior of the housing through one of the vents in the ceiling of the cabinet, then through the other of the vents in the ceiling of the cabinet from the interior of the housing into the interior of the cabinet, and wherein in the open position air is permitted to flow through the housing vent between the inside of the housing and the outside of the housing and in which said recirculation is substantially prevented the housing vent and housing vent closure being positioned so that in both positions of the housing vent closure air is able to flow between the interior of the housing and the interior of the cabinet" as recited in amended claim 1. Furthermore, GB '190 does not disclose having two vents in the ceiling of the cabinets which enables "air recirculation in which air is permitted to recirculate between the interior of the housing and the interior of the cabinet by flowing from the interior of the cabinet into the interior of the housing through one of the vents in the ceiling of the cabinet, then through the other of the vents in the ceiling of the cabinet from the interior of the housing into the interior of the cabinet" as recited in amended claim 1.

Therefore, GB '190 does not disclose or suggest the limitations stated in amended claim 1.

Adding the teachings of Irmer to GB '190 fails to cure GB '190's deficiencies. Irmer discloses a distribution cabinet (1) having a base box (2), an outer cabinet (3), a cabinet cover (5), and a functional cover (18). The cover is moveable between an open position, shown by dashed lines in figure 2 in which

air cannot exit the top of the cabinet and a closed position, shown by solid lines in figure 2 in which air cannot exit the top of the cabinet.

In contrast to amended claim 1, Irmer fails to disclose a housing vent closure that is moveable between an open position and a closed position and in the closed position the closure closes the housing vent so that little or no air is permitted to flow through the housing vent between the inside of the housing and the outside of the housing, and which enables air recirculation in which air is permitted to recirculate between the interior of the housing and the interior of the cabinet because Irmer merely discloses ventilation occurring when the functional opening 17 is opened by removing the functional cover 18. (Irmer, Paragraph [0096]. Irmer fails to disclose the limitations “the housing having a housing vent comprising a closure moveable between an open position and a closed position, wherein in the closed position the closure closes the housing vent so that little or no air is permitted to flow through the housing vent between the inside of the housing and the outside of the housing, and which enables air recirculation in which air is permitted to recirculate between the interior of the housing and the interior of the cabinet by flowing from the interior of the cabinet into the interior of the housing through one of the vents in the ceiling of the cabinet, then through the other of the vents in the ceiling of the cabinet from the interior of the housing into the interior of the cabinet, and wherein in the open position air is permitted to flow through the housing vent between the inside of the housing and the outside of the housing and in which said recirculation is substantially prevented the housing vent and housing vent closure being positioned so that in both positions

of the housing vent closure air is able to flow between the interior of the housing and the interior of the cabinet" as recited in amended claim 1 (emphasis added).

Therefore, Irmer does not disclose or suggest the limitations stated in amended claim 1.

It is respectfully submitted that GB '190 does not suggest a combination with Irmer, and Irmer does not suggest a combination with GB '190 because GB '190 has no need for such a combination. GB '190 discloses an opening 24 for recirculating air into the roof 10 while Irmer discloses a functional opening 17 that can be closed and thus not allow recirculation into the roof. It would be impermissible hindsight to combine GB '190 with Irmer based on applicants' own disclosure.

Furthermore, even if GB '190 and Irmer were combined, such a combination would lack the limitations "the housing having a housing vent comprising a closure moveable between an open position and a closed position, wherein in the closed position the closure closes the housing vent so that little or no air is permitted to flow through the housing vent between the inside of the housing and the outside of the housing, and which enables air recirculation in which air is permitted to recirculate between the interior of the housing and the interior of the cabinet by flowing from the interior of the cabinet into the interior of the housing through one of the vents in the ceiling of the cabinet, then through the other of the vents in the ceiling of the cabinet from the interior of the housing into the interior of the cabinet, and wherein in the open position air is permitted to flow through the housing vent between the inside of the housing and the outside of the housing and in which said recirculation is substantially prevented the

housing vent and housing vent closure being positioned so that in both positions of the housing vent closure air is able to flow between the interior of the housing and the interior of the cabinet” as recited in amended claim 1.

Therefore, in view of the above distinction, neither GB ‘190 nor Irmer, individually or in combination, disclose each and every limitation of claim 1. As such, amended claim 1 is not rendered obvious by GB ‘190 in view of Irmer under 35 U.S.C. § 103(a).

It is submitted that claims 2, 3, and 6-12 are not rendered obvious by GB ‘190 in view of Irmer under 35 U.S.C. § 103(a) given that claims 2, 3, and 6-12 depend from and include the limitations of independent claim 1.

Claim 4 is rejected under 35 U.S.C. § 103(a) as being unpatentable over GB ‘190 in view of Irmer as applied to claim 1 above, and further in view of US Patent No. 5,773,755 of Iwatare (hereinafter “Iwatare”).

Claim 4 depends from and includes the limitations of independent claim 1 noted above. It is submitted that Iwatare fails to cure the deficiencies of GB ‘190 noted above with respect to claim 1 and, therefore, claim 4 is patentable over the combination of cited references.

Claim 5 is rejected under 35 U.S.C. § 103(a) as being unpatentable over GB ‘190 in view of Irmer as applied to claim 1 above, and further in view of US Patent No. 6,127,663 of Jones (hereinafter “Jones”).

Claim 5 depends from and includes the limitations of independent claim 1 noted above. It is submitted that Jones fails to cure the deficiencies of GB ‘190 noted above with respect to claim 1 and, therefore, claim 5 is patentable over the combination of cited references.

CONCLUSION

Applicant respectfully submits that in view of the amendments and arguments set forth herein, the applicable objections and rejections have been overcome. Applicant reserves all rights under the doctrine of equivalents.

Pursuant to 37 C.F.R. 1.136(a)(3), Applicants hereby request and authorize the U.S. Patent and Trademark Office to (1) treat any concurrent or future reply that requires a petition for extension of time as incorporating a petition for extension of time for the appropriate length of time and (2) charge all required fees, including extension of time fees and fees under 37 C.F.R. 1.16 and 1.17, to Deposit Account No. 02-2666.

Respectfully submitted,

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Date: April 13, 2009

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